



# ***COMMONWEALTH of VIRGINIA***

Matthew J. Strickler  
Secretary of Natural Resources

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **Blue Ridge Regional Office**

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David K. Paylor  
Director

Robert J. Weld  
Regional Director

## **VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT**

### **ISSUED TO**

**HARMON, FARLEY, & FARLEY**

### **FOR THE**

**RIVERVIEW CAMPGROUND AND BAIT SHOP**

**(Unpermitted Facility)**

**LOCATED AT STATE ROUTE 1105 AND VIRGINIA AVENUE (460 EAST)  
NARROWS, VIRGINIA**

### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board and Mr. Glenn Harmon, Mr. John E. Farley and Ms. Cathy L. Farley, regarding the Riverview Campground and Bait Shop in Narrows, Virginia, for the purpose of resolving violations of the Virginia Waste Management Act and the applicable regulations.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Salem, Virginia.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

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4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" or "Site" means the Riverview Campground and Bait Shop ("Site") located at State Route 1105 and Virginia Avenue (460 East), Narrows, VA, Narrows, Virginia. The Site is a mobile home park, campground, and on-site office and bait shop and owned by the Owners.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
8. "Owners" means Mr. Glenn Harmon, Mr. John E. Farley and Ms. Cathy L. Farley, currently residents of Giles County, Virginia. The Owners are "persons" within the meaning of Va. Code § 10.1-1400.
9. "Regulations" or "VSWMR" means the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.*
10. "Va. Code" means the Code of Virginia (1950), as amended.
11. "VAC" means the Virginia Administrative Code.
12. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 2 (Va. Code §§ 10.1-1408.1 through -1413.1) of the Virginia Waste Management Act addresses Solid Waste Management.

## **SECTION C: Findings of Fact and Conclusions of Law**

1. The Owners own and operate the Site.
2. On March 20, 2018, while conducting an inspection at an adjacent site, Department staff observed evidence of open burning at the Site.
3. On March 22, 2018, Department staff returned to the Site to follow up on the open burning. Department staff observed evidence that solid waste had been disposed at the Site by open burning. Additional solid waste had been added to the ash and residues from the previous open burning.
4. The solid waste observed, included but was not limited to: brush and tree limbs, plywood, lumber, metal cans, plastics, metal piping, and coils of wire that appeared to have been from HVAC duct hose, caulk containers, and household garbage. Department staff also observed the metal frame of a mobile home trailer near the burn pile.
5. On April 5, 2018, Department staff spoke with Mr. Glenn Harman by phone and informed him that Department staff had observed the remnants of open burning at the Site. Mr. Harman stated that the burn pile was only for brush and tree limbs from property



maintenance and that he was unaware that other solid waste had been burned and that he would look into the matter.

6. Department staff informed Mr. Harmon that the Owners would be responsible for cleaning up the solid waste and the remnants of the burn pile in accordance with the Regulations. Mr. Harman acknowledged this and agreed to take appropriate action.
7. On April 10, 2018, Department staff received a complaint that solid waste was being burned at the Site.
8. On May 8, 2018, Department staff performed a second inspection of the Site and observed that the residue from the burn pile had been cleaned up and no other solid waste piles had been created.
9. On November 5, 2018, Department staff received an anonymous complaint alleging that solid waste was being burned at the Site. In response to the complaint, Department staff requested that Mr. John Mills, Giles County Building and Zoning Official, perform a site visit to verify that open burning of solid waste was occurring. Later that day, Mr. Mills sent photo documentation to the Department that showed solid waste was being disposed by open burning at the Site.
10. On November 6, 2018, Department staff spoke with Mr. Chris Harman, the winter attendant, by phone. He was informed that DEQ had received a complaint for open burning and a Giles County official had provided photo documentation of the open burning to the Department. Mr. Chris Harman explained that he was burning flood damage materials. Department staff explained that open burning of solid waste was not permitted under the Regulations.
11. On November 7, 2018, Department staff spoke with Mr. Glenn Harman by phone. Mr. Harman stated that the campground only burns brush and vegetative waste. Department staff stated that photo documentation had been received on the day of the incident and what appeared to be debris from mobile homes was being burned. Mr. Harman stated that he cleaned up the waste from the previous burn and would look into why burning of solid waste was reoccurring.
12. Virginia Code § 10.1-1408.1.A. states that “[n]o person shall operate any sanitary landfill or other facility for the disposal, treatment or storage of nonhazardous solid waste without a permit from the Director.
13. 9 VAC 20-81-40(A) requires that no person shall operate any sanitary landfill or other facility for the disposal, treatment, or storage of solid waste without a permit from the director.
14. 9 VAC 20-81-40(B) requires that no person shall allow waste to be disposed of or otherwise managed on his property except in compliance with this chapter.
15. 9 VAC 20-81-40(C) requires that it shall be the duty of all persons to dispose of or otherwise manage their solid waste in a legal manner.

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16. On December 11, 2018, the Department issued Notice of Violation ("NOV") No. NOV-18-11-BRRO-001 to the Owners as a result of the March 2018 site visit and additional information provided to the Department on November 5 & 6, 2018.
17. Based on the March 2018 site visit and additional information provided to the Department on November 5 & 6, 2018, the Board concludes that the Owners have violated Code § 10.1-1408.1.A. and 9 VAC 20-81-40.B-C regarding the management and disposal of solid waste, as described in paragraphs C(2) and C(11) of this Order.
18. Department staff has verified that the clean-up at the Site has been completed and that the violations described in paragraphs C(2) and C(11), above, have been corrected.

**SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders the Owners, and the Owners agree to pay a civil charge of **\$7,875** in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

| <b><u>Due Date</u></b>  | <b><u>Amount</u></b>       |
|-------------------------|----------------------------|
| <b>October 15, 2019</b> | <b>\$984.38</b> or balance |
| <b>January 15, 2020</b> | <b>\$984.37</b> or balance |
| <b>April 15, 2020</b>   | <b>\$984.38</b> or balance |
| <b>July 15, 2020</b>    | <b>\$984.37</b> or balance |
| <b>October 15, 2020</b> | <b>\$984.38</b> or balance |
| <b>January 15, 2021</b> | <b>\$984.37</b> or balance |
| <b>April 15, 2021</b>   | <b>\$984.38</b> or balance |
| <b>October 15, 2021</b> | <b>\$984.37</b> or balance |

If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by the Owners. Within 15 days of receipt of such letter, the Owners shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

The Owners shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the



Department has to refer collection of moneys due under this Order to the Department of Law, the Town shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of the Owners for good cause shown by the Owners, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, the Owners admit the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The Owners consent to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The Owners declare they have received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and they waive the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by the Owners to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The Owners shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on their part. The Owners shall demonstrate that such circumstances were beyond their control and not due to a lack of good faith or diligence on their part. The Owners shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

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- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the Owners.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after the Owners have completed all of the requirements of the Order;
  - b. The Owners petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to the Owners.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Owners from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by the Owner and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. Any documents to be submitted pursuant to this Order shall be submitted by the Owners or an authorized representative of the Owners.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

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15. By its signature below, the Owners voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 8th day of August, 2019.

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Robert J. Weld, Regional Director  
Department of Environmental Quality

Mr. Glenn Harmon voluntarily agrees to the issuance of this Order.

Date: 8/8/19 By: Glenn Harmon  
Mr. Glenn Harmon

Commonwealth of Virginia

City/County of Giles



The foregoing document was signed and acknowledged before me this 8th day of August, 2019 by Mr. Glenn Harmon.

Jeffery L. Tickle  
Notary Public  
155820  
Registration No.

My commission expires: 9-30-2021

Notary seal:



Mr. John E. Farley voluntarily agrees to the issuance of this Order.

Date: 8/12/19 By: [Signature]  
Mr. John E. Farley

Commonwealth of ~~Virginia~~ West Virginia  
City/County of Mercer

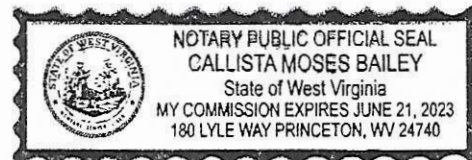
The foregoing document was signed and acknowledged before me this 12<sup>th</sup> day of August,  
2019, by Mr. John E. Farley.

Callista M. Bailey  
Notary Public

Registration No.

My commission expires: June 21, 2023

Notary seal:



Ms. Cathy L. Farley voluntarily agrees to the issuance of this Order.

Date: 8/12/19 By: [Signature]  
Ms. Cathy L. Farley

Commonwealth of ~~Virginia~~ West Virginia  
City/County of Mercer

The foregoing document was signed and acknowledged before me this 12<sup>th</sup> day of  
August, 2019, by Ms. Cathy L. Farley,

Callista M. Bailey  
Notary Public

Registration No.

My commission expires: June 21, 2023

Notary seal:

